

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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H. B. and T.B. individually and o/b/o BB, a minor,

Plaintiffs,

-against-

**NOTICE OF
CROSS-MOTION**

BYRAM HILLS CENTRAL SCHOOL DISTRICT,

15 Civ. 5742 (VLB)

Defendant.

_____ X

SIR OR MADAM:

PLEASE TAKE NOTICE THAT upon Defendant Byram Hills Central School District's Rule 56.1 (a) Statement of Material Facts dated February 25, 2016, and Defendant's Objections to Plaintiffs' Rule 56. 1 Statement dated February 25, 2016, and upon all prior pleadings and proceedings heretofore had herein, the Certified Record of the State Review Officer, including the January 30, 2015, Decision of the State Review Officer, Justyn P. Bates ("SRO"), the October 15, 2014 Decision of the Impartial Hearing Officer, Jean Lucasey ("IHO"), the sworn testimony adduced during the due process hearing and the documentary evidence admitted therein, and upon the evidence, submissions, and other matters considered by the State Review Officer and the Impartial Hearing Officer, Defendant Byram Hills Central School District ("Defendant" or "School District") will Cross-Move this Court before the Honorable Vincent L. Briccetti at the United States Courthouse, United States District Court for the Southern District of New York located at 300 Quarropas Street, New York, New York, at a date and time designated by the Court, for an order:

- (a) granting the School District's Cross-Motion for Summary Judgment and dismissing the Complaint pursuant to Federal Rules of Civil Procedure Rule 56 on the grounds that the Defendant has met its burden of proving by a preponderance of the objective evidence that the School District offered Student a Free Appropriate Public Education for the 2011-2012 and 2012-2013 school years and, therefore, Plaintiffs are not entitled to tuition reimbursement for Student's attendance at the Gow School for the 2011-2012 and 2012-2013 school years and, therefore, the School District is entitled to judgment in its favor as matter of law;
- (b) in the alternative, granting the School District's Cross-Motion for Summary Judgment and dismissing the Complaint pursuant to Federal Rules of Civil Procedure Rule 56 on the grounds that the Plaintiffs have not met their burden of proving by a preponderance of the objective evidence that the Gow School was an appropriate placement for the Student for the 2011-2012 and 2012-2013 school years, and therefore, Plaintiffs are not entitled to tuition reimbursement for Student's attendance at the Gow School for the 2011-2012 and 2012-2013 school years and, and therefore the School District is entitled to judgment in its favor as a matter of law;
- (c) denying Plaintiffs' Motion for Summary Judgment; and
- (d) granting such other and further relief as the Court may deem just and proper.

Dated: New York, New York
February 25, 2016

Yours, etc.

BOND, SCHOENECK & KING

By:


Sara M. Richmond (SR 9621)

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School District
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